CIVIL WRIT JURISDICTION CASE No.5193 OF 1989

In the matter of an application under Article 226 of the Constitution of India.

GAYA MUNICIPAL CORPORATION, GAYA,PS. CIVIL LINES,DISTT.- GAYA THROUGH ITS ADMINISTRATOR;-----PETITIONER

Versus

1. **THE STATE OF BIHAR THROUGH COMMISSIONER, MAGADH DIVISION, GAYA**
2. **THE COLLECTOR-CUM-DISTRICT MAGISTRATE, GAYA**
3. **THE ADDITIONAL COLLECTOR (REVENUE) GAYA**
4. **SHRI PARIDHI SINHA S/O ISHWAR PD. R/O PRARATHANA BHAWAN, SHANKER SONAR LANE, RAJENDRA PATH, MOHALLA- NEW GODOWN PS. KOTWALI DISTT- GAYA.**
5. **SRI BACHCHA PD S/O BHAGWAN DAS R/O MOHALLA DEVA CHAWRA PS. CIVIL LINES DISTT. GAYA.**
6. **SRI JAGDISH PD. S/O ANTU PD.R/O MOHALLA DAVANPUR, RAM SAGAR ROADP.S. CIVIL LINES DISTT—GAYA.**
7. **SRI SITA RAM SINGH S/O RAMESHWAR SINGH R/O BALUAHI,PS. KOTWALI DISTT-. GAYA**
8. **SRI MATHURA RAM, S/O KASHI RAM, R/O MOH. DIGHITANK, PS. CIVIL LINES, DISTT- GAYA.**
9. **SRI NANDAN PD. S/O BHGWAN DAS R/ P.S. CIVIL LINES, DISTT- GAYA**
10. **SRI ARUN PD. S/O.JAGESHWAR PD. PS. CIVIL LINES, DISTRICT- GAYA**
11. **SRI SUDHIR KUMAR S/O RAMANAND PD. PS. CIVIL LINES, GAYA**
12. **SRI BANWARI PD S/O NOT KNOWN PS. KOTWALI-DISTT- GAYA**
13. **SRI CHANDRIKA PD. S/O NOT KNOWN PS. KOTWALI, DISTT-GAYA**
14. **SRI DILIP KUMAR S/O NOT KNOWN PS. KOTWALI, DISTT- GAYA**
15. **RAGHUNATH PD. GUPTA S/O NARAYAN SAO PS. CIVIL LINES, GAYA**
16. **SRI KRISHNA PD.GUPTA S/O RAGHUNATH PD. GUPTA PS. CIVIL LINES, DISTT- GAYA**
17. **PARMANAND PD. GUPTA S/O RAGHUNATH PD. GUPTA, PS. CIVIL LINES, DISTT- GAYA**
18. **SRI KRISHNA PD. GUPTA S/O RAGHUNATH PD. GUPTA, PS. CIVIL LINES, DISTT- GAYA**
19. **MOH. ZAFIR ALAM S/O ABDUL AJIJ R/O PAKARDHI PS. BODHGAYA, DISTRICT- GAYA.**
20. **TURFAIL AHMAD S/O ABDUL RASID R/O PANEHAUATI AKHARA PS. KOTWALI DISTT- GAYA.**
21. **MD. NAREAM AKHTAR S/O LATE HANIF R/O CHOWK SARAI ROAD PS. KOTWALI DISTT- GAYA**
22. **SRI BRAJENDRA PD. S/O LATE UDAI PRAKESH PS. CIVIL LINES, DISTT- GAYA**
23. **SRI RAJIV RAIJAN SINHA, S/O RAM CHANDRDA PD. PS. BELAGANJ DISTT- GAYA**
24. **KAMOUDDINKHAN S/O LATE HASAN KAHN PS. GURUA DISTT- GAYA**
25. **SRI PRATAP SINGH S/O DOMAN SINGH PS. KOTWALI, DISTT- GAYA**
26. **MD. AHIYA S/O HAKIM MAZOOD ALAM PS. KOTWALI, DISTT-GAYA**
27. **ATIKUR RAHMAN S/O ISRAIL KHAN PS. GURUA DISTT- GAYA.---- RESPONDENTS.**

For The Petitioner :RABINDRA KR. PRYADAARI,ADV.
For The Respondent :Mr. A..K. verma JC to SC-3

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P R E S E N T
THE HON'BLE MR. JUSTICE AJAY KUMAR TRIPATHI

A.K.Tripathi,J This Court finds it rather strange that two limbs of the State are at logger-head which has led to filing of the present writ application. Dispute is over certain piece and parcel of land and shops situated over plot no. 14256 measuring 7 acres 8 decimals in Mohalla- Koiribari in the down of Gaya. In one hand the Municipal Corporation of Gaya is asserting its rights to settle the property as they have been doing so since 1916 whereas the District Magistrate, Gaya is asserting his right to settle and derive revenue from the property in question.

In a dispute of such kind Hon'ble Supreme Court had an occasion to discourage such litigation between the government agencies and keeping the above in mind, this Court is not willing to render its opinion in the matter either way but would prefer to refer the matter to the Principal Secretary, Urban Development Department, Government of Bihar for an adjudication.

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Petitioner, Gaya Municipal Corporation, is directed to approach the Principal Secretary, Urban Development Department, Govt. of Bihar with their claim along with supporting evidence and the District Magistrate, Gaya would also be noticed and his version or stand be taken. The decision rendered by the Principal Secretary over the dispute will govern the issue in so far as the present dispute between the petitioner and

the respondent State is concerned.

Let an early adjudication be made in view of the nature of the dispute which shall be in the interest of revenue of the State as whole.

This writ application is disposed of with the above direction.

(Ajay Kumar Tripathi, J.)

Patna High Court, Patna
Dated the 21st, November, 2008
NAFR (RPS)

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